

**VILLAGE OF SAVOY
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 2015-11

**AN ORDINANCE ESTABLISHING A SYSTEM
FOR THE LICENSING OF ORGANIZATIONS TO OPERATE
RAFFLES IN THE VILLAGE OF SAVOY**

**Passed by the Board of Trustees and
Approved by the President
of
Village of Savoy, Illinois
on July 15, 2015**

**Published in pamphlet form by authority of the President and Board
of Trustees of the Village of Savoy, Champaign County, Illinois, this
16th day of July, 2015.**

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WHEREAS, the Corporate Authorities have determined that it is in the best interest of the welfare and safety of its citizens that the conduct of raffles within the Village of Savoy be licensed and regulated; and

WHEREAS, Illinois "Raffles and Poker Runs Act", 230 ILCS par.15/0.01 et seq. (2014) as amended hereinafter called "Raffles Act", authorizes the governing body of any county or municipality within the State of Illinois to establish a system of licensing of raffles; and

WHEREAS, the Village of Savoy previously adopted its Savoy Municipal Code, which should be amended to include provisions for the Village's licensing of Raffles pursuant to said state statute..

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SAVOY, ILLINOIS AS FOLLOWS:

Section 1. The Village of Savoy Municipal Code is hereby amended to add the following Chapter 5.28, entitled "Licensing of Organizations to Operate Raffles", as follows:

TITLE 5, CHAPTER 5.28 "LICENSING OF ORGANIZATIONS TO OPERATE RAFFLES"

5.28.01: Definitions.

A. "Business": A voluntary organization composed of individuals and business who have joined together to advance the commercial, financial, industrial and civil interests of a community.

B. "Charitable": An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

C. "Educational": An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

D. "Fraternal": An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

E. "Labor": An organization composed of workers organized with the objective of betterment of the conditions of a higher degree of efficiency in their respective occupations.

F. "Net proceeds": The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

G. "Non-profit": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

H. "Raffle": Means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

(1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designed the winning chance;

(2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

I. "Religious": any church, congregation, society, or organization founded for the purposes of religious worship.

J. "Veterans": An organization or association comprised of members of which substantially all are individuals who are veterans of military service, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

5.28.02: License

License required. No person, firm, corporation or other entity shall conduct raffles or chances without having first obtained a license therefore pursuant to this Ordinance and the "Raffles Act".

5.28.03: Application

A. Applications shall be made in writing through the Village Clerk's office at least thirty (30) days prior to the first day intended for sale of the raffle chances. The application shall be on a form furnished by the Village Clerk.

B. Applications for license under this article must contain the follow information:

Name of applicant.

Address.

Purpose of raffle.

Area within the Village where the raffle is to be conducted.

Time period during which chances will be sold or issued.

Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by the presiding officer and secretary of the organization.

Date, time and location at which winning chances will be determined.

The aggregate retail value of all prizes or merchandise to be awarded by a single raffle.

The maximum to be charged for each raffle chance and the number of chances to be issued for each raffle.

The name(s) and address(es) of the operator of the raffle if not an officer or member of the applicant organization.

5.28.04: Validity of License

Each such license shall be valid for one raffle or for a specified number of raffles during a specified period not to exceed one year, and may be suspended or revoked by the Corporate Authorities in the event of violation of the terms of this Ordinance or of any applicable State law.

5.28.05: Ineligibility for License

The following are ineligible for any license under this Ordinance:

(A) Any person who has been convicted of a felony;

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not good moral character;

Any firm or corporation in which a person defined in (A), (B), or (C) has a proprietary, equitable or credit interest, or in which such a person is active or employed;

Any organization in which a person defined a (A), (B), or (C) is an officer, director or employee, whether compensated or not;

Any organization in which a person defined in (A), (B), or (C) is to participate in the management or operation of a raffle as defined in the "Raffle Act".

5.28.06: Not for Profit Organizations

License shall be issued only to bona fide non-profit religious, charitable, labor, business, fraternal, educational or veterans' organizations as defined in Section 1 which operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objectives, or to a non-profit fund raising organization that the licensing authority determines is organized of the sole purpose of providing financial assistance to the identified individual or group of individuals suffering extreme financial hardships as the results of an illness, disability, accident or disaster.

5.28.07: Limitations

The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this Ordinance and in accordance with applicable state law is limited to \$250,000.00.

The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$200,000.00.

The maximum price which may be charged for each raffle chance issued or sold is limited to \$100.00.

The maximum number of days during which chances may be issued or sold is limited to 120 days.

Licenses issued shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of the "Raffle Act" of this Ordinance.

5.28.08: Fees

The fee for such a license to conduct a raffle shall be \$25.00.

5.28.09: Approval

The Village of Savoy shall, within thirty (30) days, evaluate and either approve or disapprove of said application. The Village's approval of an application for a license shall constitute the license for the conduct of the raffle applied for by the applicant.

5.28.10: Conduct of raffles

The conducting of raffles is subject to the Illinois Raffles Act requirements, and to the following restrictions:

A. Proceeds. The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.

B. Participation in management. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

C. Remuneration. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

D. Premises. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Ordinance.

E. Locations. Raffles chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

F. Age of participants. No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

G. Location for determining winning chance(s). The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, government or similar institution.

5.28.11: Records

A. Each organization licensed to conduct raffles and chances shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which chances are determined.

B. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and shall be placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for each revenues of the organization.

C. Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the Village of Savoy, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Section.

D. Records required by this Section shall be preserved three (3) years, and organization shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

5.28.12: Manager's Bond

All operations of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such raffle and may not receive any remuneration of profit for participating in the management or operation of the raffle. The manager shall give a fidelity bond in the sum of the title value of the prizes to be awarded in the raffle conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the Village not less than thirty (30) days prior to its cancellation. The Village may waive this bond requirement by including a waiver provision in the license issued to the organization under this article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the Board of Trustees.

5.28.13: Suspension/Revocation.

Any license granted under this Ordinance may be suspended or revoked by the Village at any time it appears that the proposed or actual operation of the raffle with be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this Ordinance may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any State or Village law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in except as a patron, any raffle which license has been suspended or revoked.

5.28.14: Punishment.

Any raffle permit issued under this Ordinance shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this Ordinance. Any violation of this Ordinance shall be subject to a fine up to seven hundred fifty dollars (\$750.00). Each day that a violation hereof exists shall be considered a separate offense. Each raffle held in violation hereof shall be considered a separate offense.

5.28.15: Prior Ordinances

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any

just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

5.28.16: Repeal of Prior Ordinances

All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

5.28.17: Severability

If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporation authorities that this ordinance would have been adopted has such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

5.28.18: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law. To the extent that it conflicts with any other provision of the Village of Savoy Municipal Code, as previously amended, its terms shall prevail with all other terms of said Revised Code of Ordinances remaining in effect. This Ordinance shall be published in pamphlet in accordance with law by the Village of Savoy.

PRESENTED, PASSED APPROVED, AND ADOPTED by the President and Trustees of the Village of Savoy, Illinois, at a duly conducted meeting thereof this 15th day of July 2015.

APPROVED:

Robert C. McCleary
Village President

ATTEST:

Billie Jean Krueger
Village Clerk

VOTING ON SAID ORDINANCE NO. 2015-11

Trustee	Aye	Nay
Jan Carter Niccum, Trustee	_____	_____
Joan Dykstra, Trustee	_____	_____
John P. Brown, Trustee	_____	_____
Rebecca Pittman, Trustee	_____	_____
Dee Shonkwiler, Trustee	_____	_____
William A. Smith, Trustee	_____	_____
Robert C. McCleary, President	_____	_____

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATE

I, Billie Jean Krueger, certify that I am the duly appointed and acting municipal clerk of the Village of Savoy, Champaign County Illinois.

I further certify that on, July 15, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-11 entitled:

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I further certify that the attached copy of said ordinance is a true and correct copy of said ordinances, as appears from the records of the Village of Savoy, Illinois.

The pamphlet form of Ordinance No. 2015-11, including the Ordinance and a cover sheet thereof was prepared, a copy of such ordinance was posted in the municipal building, commencing on July 16, 2015, and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Savoy, Illinois, this 27th day of July, 2015.

Billie Jean Krueger
Village Clerk
Village of Savoy, Illinois